

United States District Court--District of Arizona - Phoenix
Order Setting Conditions of Release

DATE: August 8, 2019 CASE NUMBER: CR-19-0898-PHX-DLR

USA vs. David Allen Harbour

- ☒ PERSONAL RECOGNIZANCE
☒ AMOUNT OF BOND \$1,000,000.00

☒ UNSECURED

☐ SECURED BY

SECURITY TO BE POSTED BY _____

NEXT APPEARANCE October 1, 2019 at 9:00 AM before Judge Rayes or as directed through counsel

☒ 401 West Washington St., Phoenix, AZ, Courtroom # 606, 6th Floor

☐ Goodwin & Cortez, US Post Office Bldg., Prescott, AZ, 2nd Floor

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CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

IT IS ORDERED THAT DEFENDANT IS SUBJECT TO THE FOLLOWING CONDITIONS AND SHALL:

- ☒ appear at all proceedings as required and to surrender for service of any sentence imposed.
- ☒ not commit any federal, state or local crime.
- ☒ cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- ☒ immediately advise the court, defense counsel and U.S. Attorney in writing of change in address/telephone number.
- ☒ maintain or actively seek verifiable employment or combination of work/school if defendant is physically or medically able and provide proof of such to Pretrial Services.
- ☒ not travel outside of: Maricopa County unless express PRIOR Court or Pretrial Services permission is granted to do so. There shall be no travel out of the United States.
- ☒ avoid all direct or indirect contact with persons who are considered alleged victim(s), potential witness(es), family members of victim(s)/witness(es), Phillip Burgess, Mark Burg, Richard Turasky, Joe Cathey and Rhonda Gray.
- ☒ report as directed to the U.S. PRETRIAL SERVICES 1-800-769-7609 or 602-322-7350.
- ☐ report as directed to the U.S. PROBATION OFFICE 602-322-7400 and abide by all terms of conditions of Supervised Release/Probation.
- ☐ execute an agreement to forfeit upon failing to appear as required, the bond or designated property: _____
- ☐ be placed in the third party custody of _____
- ☒ refrain from ☐ any ☒ excessive use of alcohol and not use or possess any narcotic or other controlled substance defined by 21 U.S.C. 802 unless prescribed for defendant by a licensed medical practitioner in the course of his/her legitimate medical practice. This provision does not permit the use or possession of medicinal marijuana even with a physician's written certification.
- ☐ participate in drug/alcohol counseling/treatment and submit to drug/alcohol testing, including urine drug testing and breathalyzer testing and make copayment toward the cost as directed by U. S. Pretrial Services. The defendant shall not interfere, obstruct or tamper in any way with the administration of any Court ordered substance abuse testing.
- ☒ surrender all travel documents to Pretrial Services and will not obtain a passport or other travel document during the pendency of these proceedings.
- ☐ obtain no passport or other travel documents during the pendency of these proceedings.
- ☐ not possess or attempt to acquire any firearm, destructive device, or other dangerous weapon or ammunition.
- ☒ maintain weekly contact with his/her attorney by Friday, noon of each week.
- ☒ defendant shall not solicit investors for any investment while on Pretrial Release
- ☐ actively participate in any mental health treatment program as directed by Pretrial Services. The defendant shall comply with all treatment requirements including taking all medication as prescribed by his/her mental health care provider.
- ☐ not access via computer or possess any photographs or videos of sexually explicit conduct as defined by 18 U.S.C. § 2256(2).
- ☒ The defendant shall not obtain any new financial accounts without prior notification and approval of Pretrial Services. The defendant shall not make any financial transactions totaling over \$1000.00 in any month to any person or entity without prior approval of Pretrial Services. Any transaction over \$1000 to any person or entity in any month that benefits defendant also requires Pretrial Services approval.

ADVICE OF PENALTIES AND SANCTIONS

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years if the offense is a felony or a term of imprisonment of not more than one year if the offense is a misdemeanor. This sentence shall be consecutive to any other term of imprisonment.

Title 18 U.S.C. §1503 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years, and a \$250,000 fine to intimidate a juror or officer of the court; Title 18 U.S.C. §1510 makes it a criminal offense punishable by up to five years imprisonment and a \$250,000 fine to obstruct a criminal investigation; Title 18 U.S.C. §1512 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section by not more than twenty years or by not more than ten years and a \$250,000 fine for tampering with a witness, victim or informant; or by intentionally harassing another person and thereby hindering /delaying /preventing or dissuading any person from attending or testifying in an official proceeding or otherwise violating the section is punishable by imprisonment for not more than one year and a \$250,000 fine; and 18 U.S.C. §1513 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years of imprisonment, a fine of \$250,000, or both, to retaliate against a witness, victim or informant, or threaten or attempt to do so.

It is a criminal offense under 18 U.S.C. §3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for: (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both; (2) an offense punishable by imprisonment for a term of five years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years or both; (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both; (4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

If the person was released for appearance as a material witness, a fine as provided by law or imprisonment for not more than one year, or both.

ACKNOWLEDGMENT OF DEFENDANT

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

DATE 8-8-19	SIGNATURE OF DEFENDANT 
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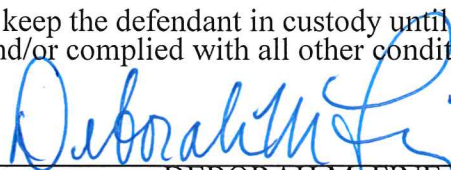
Custodian agrees to (a) supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and to notify the court immediately in the event the defendant violates any condition of release or disappears. We, the undersigned, have read and understand the terms of this bond and conditions of release and acknowledge that we are bound by it until duly exonerated.

SIGNATURE OF CUSTODIAN(S)

Directions to United States Marshal:

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions of release.

DATE: August 8, 2019



DEBORAH M. FINE
United States Magistrate Judge

USA, PTS/PROB, USM, DEFT, DEFT ATTY

USA v. David Allen Harbour CASE NUMBER CR-19-0898-PHX-DLR**ADDITIONAL CONDITIONS OF RELEASE**

- ☒ The defendant shall participate in one of the following location monitoring program components and abide by its requirements as the pretrial services officer or supervising officer instructs.
- ☐ **(Curfew)** You are restricted to your residence every day ☐ from ____ to ____ , or ☐ as directed by the supervising officer.
- ☒ **(Home Detention)** You are restricted to your residence at all times except for employment; education; religious services, medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; dropping off or picking up your own child or children from school; or other activities as pre-approved by the pretrial services office or supervising officer.
- ☐ **(Home Incarceration)** You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.
- ☒ Submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology. The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising office determines.
- ☒ Location monitoring technology at the discretion of the officer
- ☐ Radio Frequency (RF) Monitoring
- ☐ Passive GPS Monitoring
- ☐ Active GPS Monitoring
- ☐ The defendant will participate in the Computer Monitoring Program as directed by the Pretrial Services Office and follow all rules and regulations of the program. The defendant will incur the cost of monitoring services as directed by Pretrial Services. Additional conditions of the Computer Monitoring Program are as follows:
- ☐ The defendant shall not establish any email accounts or internet service providers unless previously authorized by Pretrial Services. The defendant shall provide financial documents as requested by Pretrial Services to confirm compliance with this condition.
- ☐ The defendant shall not use a computer to access any pornographic, sexually explicit or stimulating material in any form as directed by 18 U.S.C. § 2256(2) and shall immediately contact Pretrial Services to report access to any restricted site.
- ☐ The defendant shall not possess any devices which allow access to the Internet such as satellite dishes, Personal Digital Assistants (PDAs), electronic games, web-televisions, Internet appliances, and cellular telephones unless authorized by Pretrial Services.

ACKNOWLEDGMENT OF DEFENDANT DATED THIS 8-8-19 DAY OF 8, 2019.